

WATER PERMIT NO. 2434-2

Name of Applicant: John Markus & ¹/₂ Jim Markus

Address: HC 78 Box 33, Crookston NE 69212

Phone: 605 429-3233

Amount of Water Claimed: 1.78 cfs (800 gpm)

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Todd

Type of Waste Disposal System: NA

Location: 15 miles southwest of Mission

PRIORITY Date Received: 12-10-1999

Fee: \$250

Corrected Application Received: 12-17-1999

Period of Annual Use: March 1- October 31

Remarks:

Diversion Point: center NW ¼ Sec 11-T36N-R30W

Land to be Irrigated: NW ¼ Sec 11-T36N-R30W

Depth of Well: 290 feet deep

Well Driller: Chase Well Drilling

Remarks:

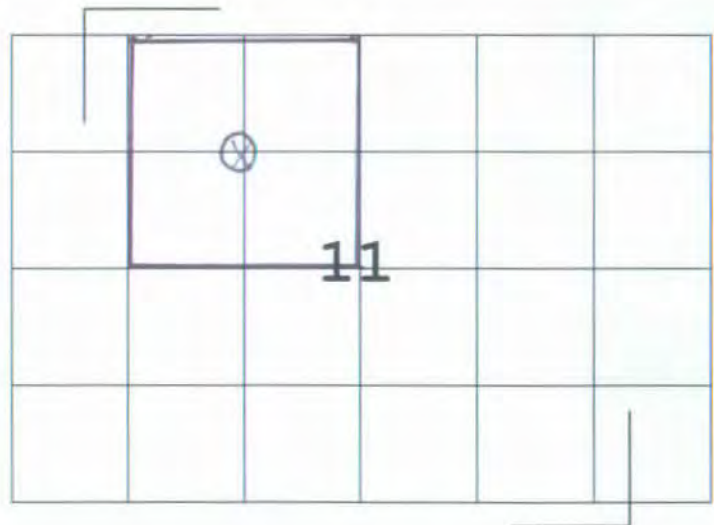
Type of Map: aerial

Prepared by: Daniel Petrich, Todd Co. FSA

Reviewed and the Number Assigned on: 12-22-99

By: Karen Schlaak

Notice of Hearing - date to intervene: _____





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2434-2</u> Hydrologic Unit <u>10150004</u>
	Basin <u>Niobrara Trib.</u>
	Newspaper <u>Todd Co. Tribune, Mission, SD</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant John MARKUS + Kim MARKUS Phone 605-429-3233
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 78 Box 33 CROOKSTON NE State 69212
(Street, RR, c: Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply _____
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in NW1/4 of Sec 11 T36 R30W (approximate center) County Todd
- County or counties where water will be used Todd
- Annual period during which water is to be used Spring thru Fall Mar 1-Oct 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>T36 R30W NW1/4 Sec 11</u>	<u>160</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Center pivot Elect. System. Ground Water Source

NEBRASKA
STATE OF ~~SOUTH DAKOTA~~ SS
County of CHERRY

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, John MARKUS, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature John Markus

Subscribed and sworn to before me this 29th day of NOVEMBER 19 99



S. Rousse Springer
Notary Public Signature

SOUTH DAKOTA
WATER PERMIT NO. 2434-2

Date of first receipt of application December 10, 1999.

Date of return to applicant for corrections, amendments or changes December 10, 1999.

Date of receipt of corrected application December 17, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2434-2 to John Markus & Kim Markus, HC 78 Box 33, Crookston NE 69212 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2434-2 appropriates 1.78 cubic feet of water from one well (Ogallala Formation) 290 feet deep located in the approximate center of the NW ¼ Section 11 to irrigate 160 acres located in the NW ¼ Section 11; all in T36N-R30W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – October 31.
3. The date from which applicant may claim right is December 10, 1999.
4. The date of approval of Permit No. 2434-2 is January 24, 2000.
5. One-fifth of the construction is to be completed on or before July 24, 2002.
6. All construction is to be completed on or before January 24, 2005.
7. Water is to be put to beneficial use on or before January 24, 2009.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2434-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 22 2000

date



(Complete applicable portions only)

(type or print in ink)

**1. Well Information - Proposed Construction**

- a) Drill Hole Diameter _____ Depth 290
- b) Casing Type Steel Diameter 16" Thickness .219
- c) Screen Type Steel Diameter 16" Thickness .219
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 151
- f) Depth to Water (ground surface to water level) 80
- g) Distance to nearest existing domestic well:
- On applicants property 1/4 mi On property owned by others 1/4 mi

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

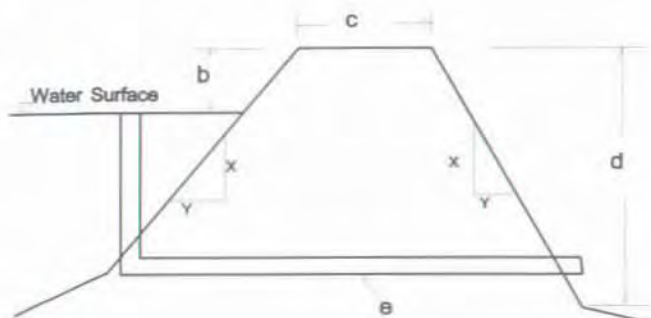
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416291

Pierre, December 10, 1999

RECEIVED OF John or Cathy Markus, HC 78, Box 33, Crookston, NE 69212-9516
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2434-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2434-2</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

By

Chief Engineer

John Hatch



Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 69210

PHONE 387-1660

Lawrence Kirkus
Cronkston, Nebr.
Well #4
East of place

0	-	8	Coarse sandstone
8	-	38	Loose sandstone
38	-	60	Firm sandstone
60	-	65	Hard clay streaks
65	-	76	Sand
76	-	80	Loose sandstone
80	-	120	Firm sand
120	-	150	Firm sandstone - red clay streaks
150	-	151	Firm sand
151	-	152	Hard sandstone (coarse)
152	-	200	Firm sandstone
200	-	220	Firm sandstone (coarse)
220	-	221	Clay streaks
221	-	250	Firm sand
250	-	260	Loose sand and clay streaks
260	-	264	Loose sand and clay streaks
264	-	274	Loose sand
274	-	280	Clay and sand
280	-	290	Clay
290	-	300	Red clay and rock

80' Static water level

should produce approximately 600 GPM

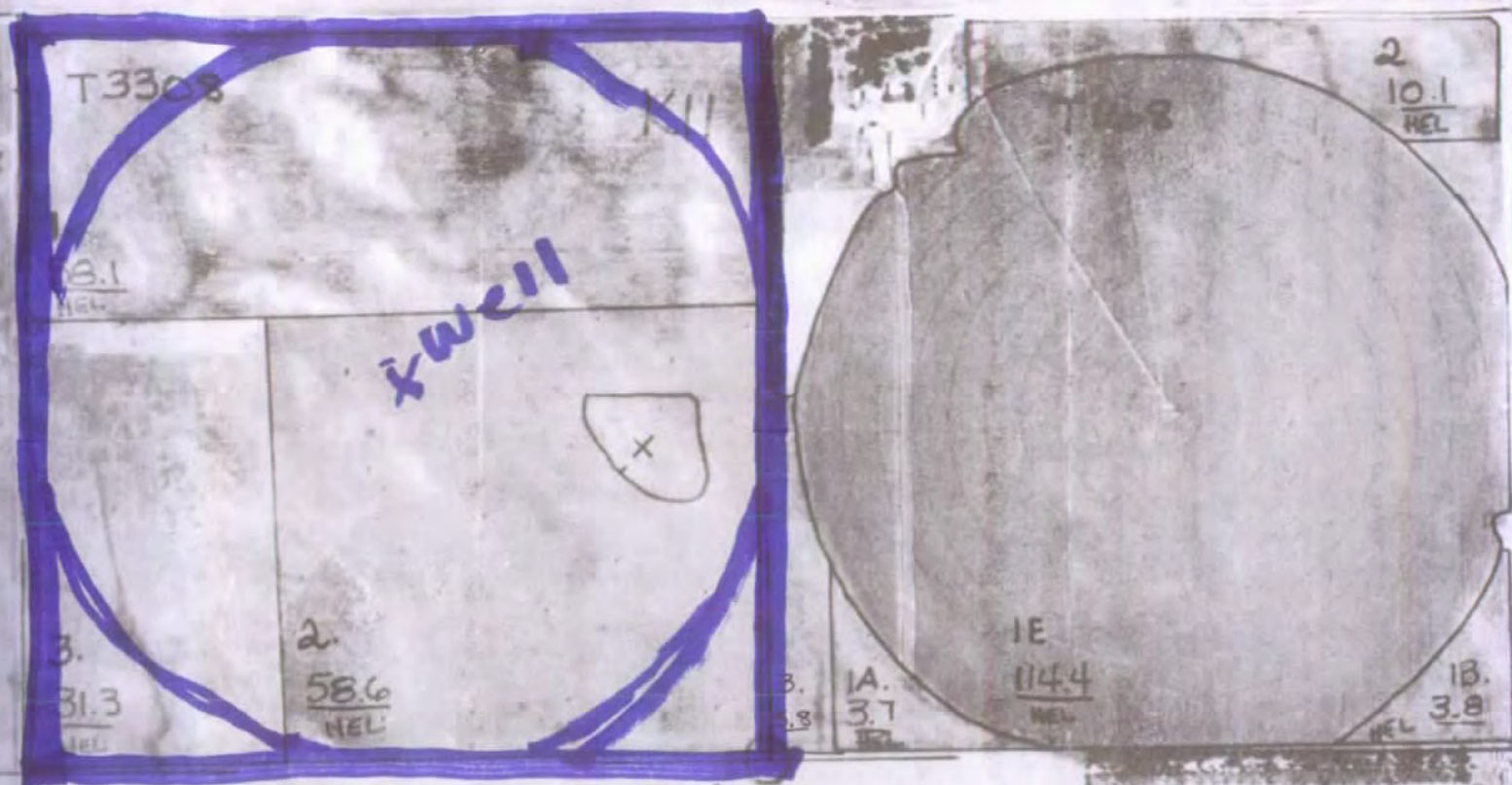
It is assumed this well log will suffice for both sec 3 & sec 11. There have been test holes dug in sec. 11 which is nearly identical. See log for John L. working on his application.

Log on file with well in sec 3 & sec 11 37-30

Log on file with well in sec 3 & sec 11

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHORITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILATION LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 17 DATE MICROFILMED 3-25-81 OPERATOR: David Palma

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



I certify this is a copy
of section 11-36-30 located
in Todd County So Dak.

Daniel R. [Signature] CED
Mellette-Todd FSA Office

36-30

2434-2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 11 Twp 36 Rg 10

County

Todd

North

Please mark well location with an "X"

W

E

1 Mile

Well Completion Date 4-18-00

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well,

feed lot, etc.)? ft. from NA (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse circulation with air assist

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER

18.151 LB/FT 18 IN 1 agl FT 127 bgl FT 30 IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

GROUTING DATA

Grout Type No. of Sacks Grout Weight From To
cement 58 15.5 lb./gal 0 ft 20 ft
lb./gal ft ft

Describe grouting procedure

pumped tremie pipe

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 18 IN Length 170 FEET

Material PVC

Slot Size .057 Set From 297 Feet to 127 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material?

Describe packer(s) and location?

DISINFECTION:

Was well disinfected upon completion? YES. How:

NO. Why Not? NA

Laboratory sent to for water quality analysis

Well Owner: John Markus

Business Name:

Address: HC 78 Box 33

Crookston, NE 69212

WELL LOG:

DEPTH

FORMATION

FROM

TO

top soil, sand, sandstone, few thin clay streaks	0	20
sand w/ sandstone layers, sand streaks, mostly sand	20	40
fine sand w/ cemented sand, sandstone layers, clay streaks	40	80
fine sand w/ silty clay streaks, fine-med pop sand, cement layers	60	80
fine pop sand, med w cemented sand & sandstone streaks	80	100
fine-med pop sand, fine sand w/ thin clay streaks, cemented sand & sandstone	100	120
fine-med pop sand w/few clay streaks, cemented sand layers	120	140
fine-med pepper sand, sandstone	140	160
cemented sand layers	160	180
fine-med pepper sand, sandstone, cemented sand layers	180	200
fine-med pepper sand, some sandstone, cemented sand	200	220
fine-medium pepper sand	220	240
fine-med pepper sand, coarse sand sandstone, cemented sand	240	260
fine-med pepper sand, sandstone, coarse sand, hard cemented layer,		
sandy clay	260	280
sand, clay, red rock	280	320

STATIC WATER LEVEL 138 Feet

If flowing: closed in pressure NA PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced Flowrate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Rawhide & pumping☐ Bailed☐ Other

Pumping Level Below Land Surface

235 ft. After 2 Hrs. pumped 300 GPM

214 ft. After 2 Hrs. pumped 700 GPM

If pump installed, pump rate 750 GPM

REMARKS

Rec 6-28-00

This well was drilled under license # 189

And this report is true and accurate

Drilling firm Grusch Irrigation Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

06-26-00



December 10, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

John Markus & Kim Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation.

Enclosed is the aerial photo submitted with the application. On the photo, please outline the area to be irrigated and mark the location of the well or proposed well with an "X" and return the map to us.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 2434-2
for John Markus and Kim Markus
December 23, 1999

Application No. 2434-2 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 290 feet deep located in the approximate center of the NW 1/4 of Section 11 to irrigate 160 acres located in the NW 1/4 of Section 11; all in T36N-R30W in Todd County.

AQUIFER - OGALLALA (OGLL)

The Ogallala consists of fine to medium grained sandstone with some silty clay (Carter, 1998). The Ogallala underlies 950 square miles and contains an estimated 17 million acre feet of water in storage in Todd County (Carter, 1998). The aquifer is under water table conditions in this area. Ground water movement is probably from south to north although this area is a recharge zone (ground water high) in the aquifer and ground water moves radially away from this area of the county.

The Water Rights Program does monitor observation wells completed into the Ogallala in this area. Observation well, TD-76E, is located about one mile southeast of this application. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1999). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water right Nos. 1036-2 and 1039-2 located within one mile of this application. The irrigation well for this application would be about 1/2 mile from the nearest irrigation well. Interference is not a concern. Drawdown created by pumping should not be significant at this distance. This is illustrated by the observation well record.

CONCLUSIONS

1. Water is available from the Ogallala aquifer.
2. The aquifer is unconfined and under water table conditions in this area. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.

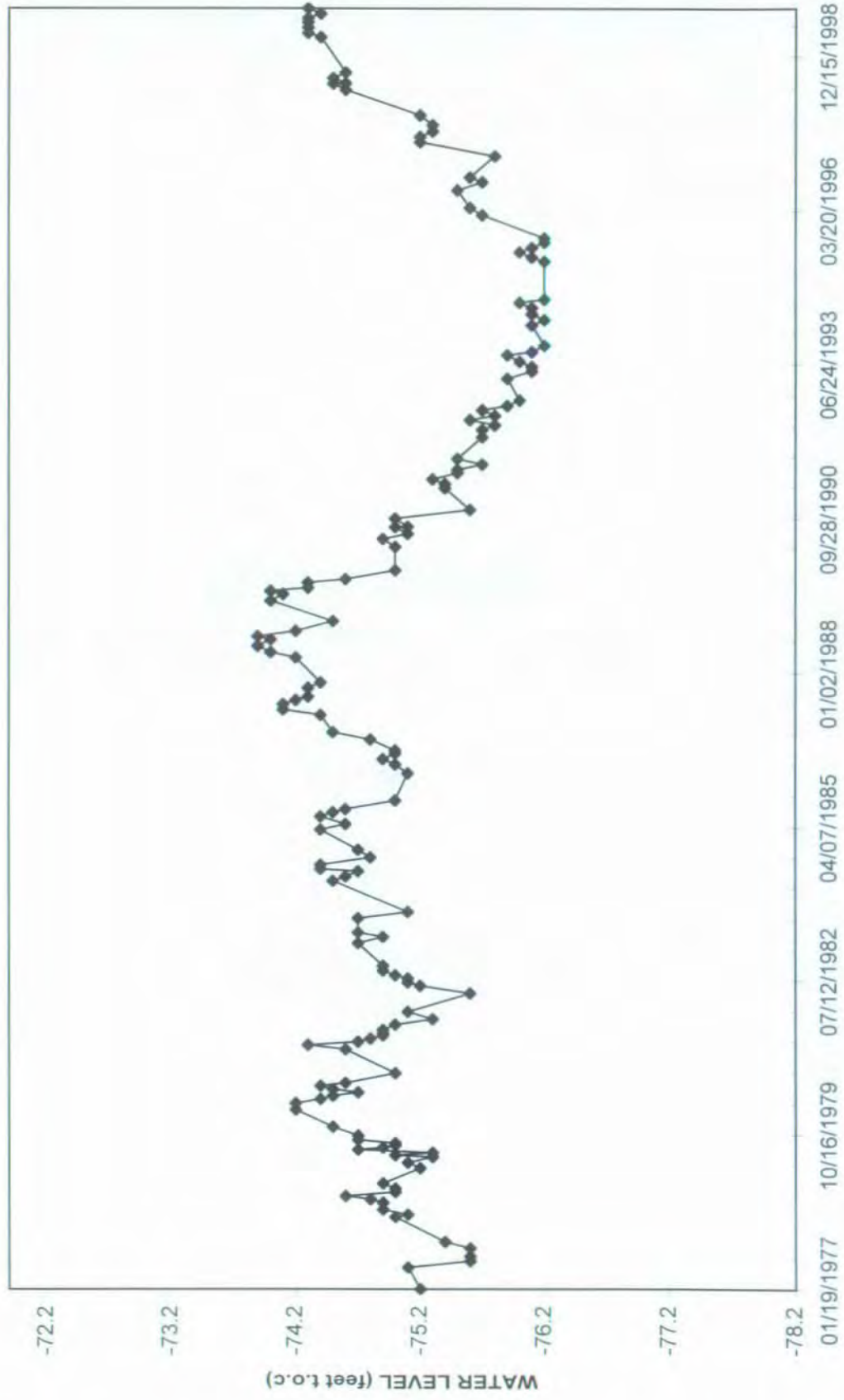

for James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Carter, Janet M., 1998, Water Resources of Mellette and Todd Counties, South Dakota, WRI 98-4146, USGS, Rapid City, SD, 57702.

Water Rights, 1999, Unpublished Observation Well Data for Todd County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TD-76E



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2434-2, John Markus and Kim Markus

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2434-2, John Markus and Kim Markus, HC 78 Box 33, Crookston, NE 69212.

The Chief Engineer is recommending APPROVAL of Application No. 2434-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 2434-2 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 28, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

December 29, 1999

John and Jim Markus
HC 78, Box 33
Crookston, NE 69212

Dear Sirs:

Water Permit Application No. 2434-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Todd Co. Tribune printed at Mission, SD (Ph # (605) 856-4469). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

December 29, 1999

Todd Co. Tribune
Box 229
Mission, SD 57555-0229

ATTENTION: Legal Public Notice

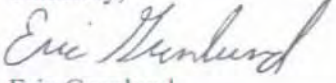
Enclosed is a Notice of Hearing on Application No. 2434-2 to Appropriate Water to be published twice. Please publish the first notice on January 5, 2000, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANTS are John and Jim Markus, HC 78, Box 33, Crookston, NE 69212 (Ph # (605) 429-3233).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

----- CUT HERE -----

No. 2434-2

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of December 29, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 2434-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 5, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2434-2 to Appropriate Water

Notice is given that John Markus & Kim Markus, HC 78, Box 33, Crookston NE 69212 has filed an application for a water permit to appropriate 1.78 cubic feet of water from one well (Ogallala Formation) 290 feet deep located in the approximate center of the NW ¼ Section 11 to irrigate 160 acres located in the NW ¼ Section 11; all in T36N-R30W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2434-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 24, 2000.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Todd)

I, Kathy R Klein

certify that the attached printed Notice was taken

from the Todd County

Tribune

printed and published in Mission

County of Todd and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 5, 2000

January 12, 2000

Cost of Printing \$39.20

(21.78 + 17.42 = 39.20)

Kathy R Klein
 (Signature)

Bookkeeper
 (Title)

January 12, 2000
 (Date Signed)

NOTICE OF APPLICATION NO. 2434-2
TO APPROPRIATE WATER

Notice is given that John Markus & Kim Markus, HC 78, Box 33, Crookston, NE 69212 has filed an application for a water permit to appropriate 1.78 cubic feet of water from one well (Ogallala Formation) 290 feet deep located in the approximate center of the NW1/4 Section 11 to irrigate 160 acres located in the NW1/4 Section 11; all in T36N-R30W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2434-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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Nettie H. Myers, Secretary,

Department of Environment and Natural Resources

Publ.: January 5 and 12, 2000.





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 2000

John and Kim Markus
HC 78, Box 33
Crookston, NE 69212

Dear Mr. and Ms. Markus:

Enclosed is Water Permit No. 2434-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

December 21, 2004

243-I-2

John Marcus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Marcus:

Thank you for sending in your 2004 irrigation questionnaires. I noticed on the form for Water Permit No. 2434-2 that you crossed off "Kim" in the name and address section. In order to change the name (or to delete a name) on a water permit, an ownership change needs to be filed. I realize this may sound bureaucratic but we need to have something signed from the owner so it doesn't appear that we arbitrarily change ownership records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 2434-2

Date: 01-21-05

I/We request that Water Permit No. 2434-2

formerly owned by: John and Kim Markus

be transferred to: (name & address) John Markus, HC 78 Box 33, Crookston, NE 69212

Telephone No. 605 429-3233

Title to the following described land(s)/property has been transferred as described above:

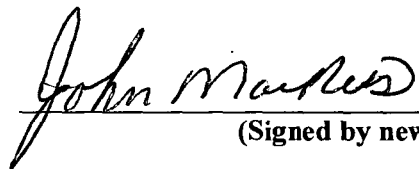
160 acres in the NW ¼ Section 11, T36N, R30W

I/We understand that the validity of Water Permit No. 2434-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We John Markus, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED
JAN 25 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 25, 2005

RECEIVED OF John Markus, EC 78 Box 33, Crookston SD 69212

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2434-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

692120

By

Darland Elbek
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 1, 2005

2434-2

John Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Thank you for following up on the ownership change for Water Permit No. 2434-2. The transfer has been completed. The water permit is now listed in your name only.

Enclosed is your Receipt No. 001680 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

Permit No. 2434-2
Niobrara Tributary - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **November 8, 2006**, made a thorough examination of the water use system constructed by **John Markus** of **HC 78 Box 33, Crookston, NE 69212** holder of Permit No. **2434-2**, bearing the priority of **December 10, 1999** authorizing the diversion of **1.78** cu. ft. per second **groundwater** for **irrigation** purposes, in **Todd** County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Ingersoll-Dresser Turbine Pump with a 100 Hp US Electric Motor

B. Works used to transport water to place of use:

Approximately 20 feet 8 inch aluminum pipe

C. Works used to apply water to beneficial use:

Valley 7 tower Center Pivot

The system is in the following condition **good**. The point of diversion is located **1320 feet south & 1320 feet east of the NW corner of Sec. 11-T36N-R30W (center NW ¼); (Lat. 43.114525 Long. -100.821506)**. The works are capable of diverting and conveying to the place of use **1.67 (750 gpm)** cu. ft. per second of water which is to be used for **irrigation use**. Water has been put to beneficial use to the maximum extent as follows:

Sec. 11-T36N-R30W

NE ¼ NW ¼ -- 32.5 Acres

SE ¼ NW ¼ -- 32.5

SW ¼ NW ¼ -- 32.5

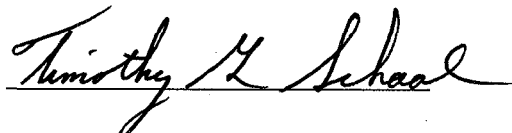
NE ¼ NW ¼ -- 32.5

130 Acres

comprising a total of **130** acres of land and the license should be issued for **1.67 (750 gpm)** cfs.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **January 31, 2007**



Timothy G. Schaal, P.E.

Natural Resources Engineering Specialist

DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2434-2

DATE OF INSPECTION: November 8, 2006

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Markus
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: John Markus, HC 78 Box 33, Crookston, NE 69212

DIVERSION POINT LEGAL LOCATION: 1320 feet south & 1320 feet east of the NW corner of Sec. 11-T36N-R30W (center NW ¼); (Lat. 43.114525 Long. -100.821506).

WELL INFORMATION:

- 1) Well Drilling Firm: Grosch Irrigation Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 297 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inch
- 2) Length 127 feet
- 3) Type PVC

Screen:

- 1) Type Perforated pipe
- 2) Length 170 feet
- 3) Static water level 138 feet

Pump:

- 1) Make Ingersoll-Dresser Turbine Pump
- 2) Model
- 3) Size XXX
- 4) Capacity 750 GPM

Motor:

- 1) Make US Electric
- 2) Model No. (ID #-9995-01-455)
- 3) Horsepower rating 100 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 20 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure XXX
- 7) Capacity 750 GPM

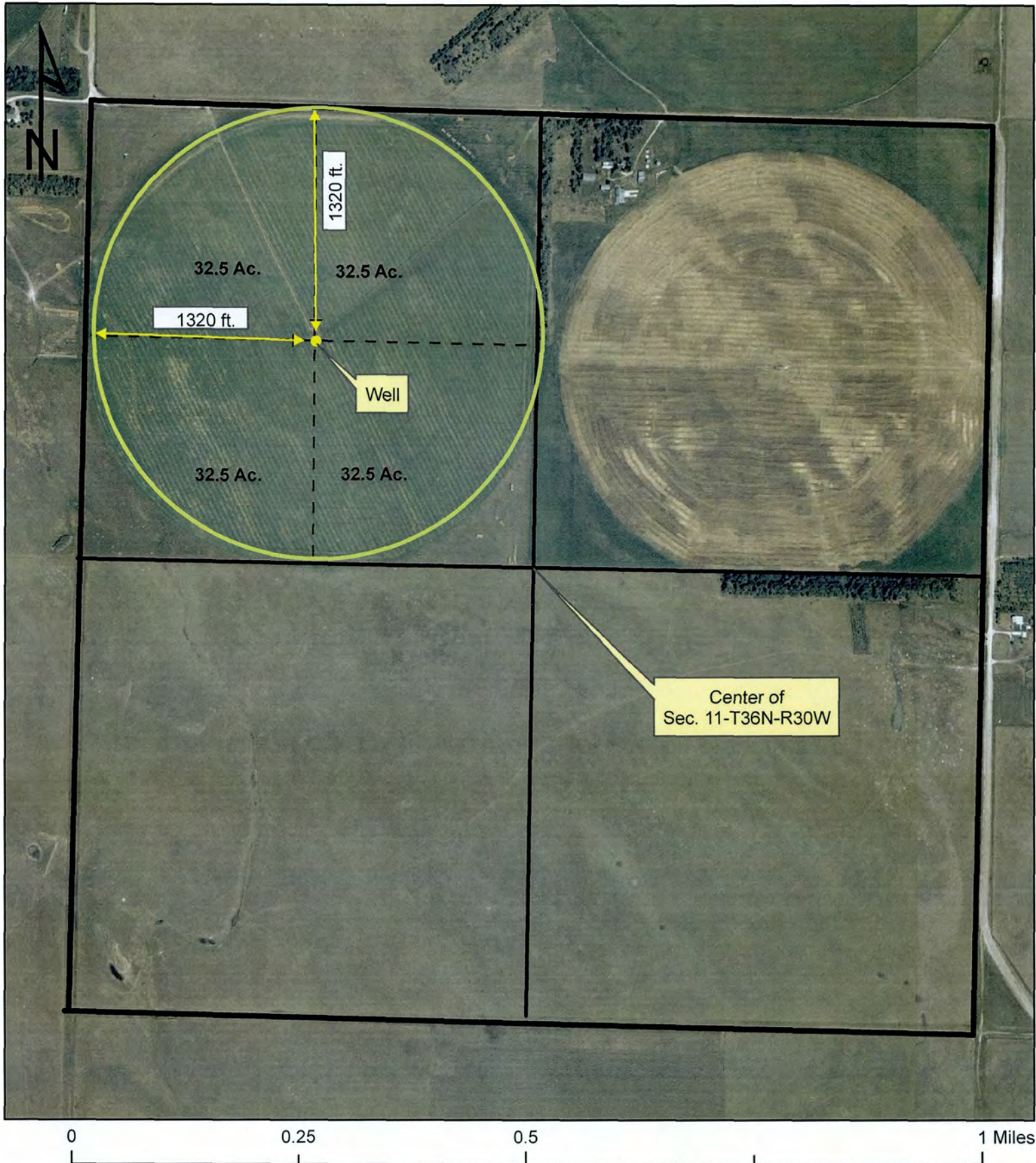
CHEMIGATION EQUIPMENT:

- 1) Does chemigate yes
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20 ft. from source yes
- 6) Interlock type electric
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump pos. displacement pump
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit yes
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Water Permit Application No. 2434-2



Timothy G. Schaal

Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
DENR, Water Rights Program

1/31/07



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 16 2007

2434-2

John Markus
HC 78 Box 33
Crookston NE 69212

Dear Mr. Markus:

Enclosed is Water License No. 2434-2. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is a copy of the map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2434-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2434-2

(1) John & Kim Markus made Application No. 2434-2, December 10, 1999 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well – Ogallala Formation), Todd County, South Dakota for irrigation purposes. Permit No. 2434-2, with a priority date of December 10, 1999 was approved January 24, 2000 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 24, 2005 and for the application to beneficial use of said water on or before January 24, 2009.

On January 25, 2005, Water Permit No. 2434-2 was transferred to John Markus.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is 1,320 feet south and 1,320 feet east of the NW corner of Section 11, T36N, R30W (center of NW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 11, T36N, R30W

NE ¼ NW ¼ 32.5 acres

SE ¼ NW ¼ 32.5 acres

SW ¼ NW ¼ 32.5 acres

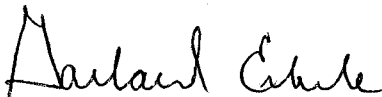
NE ¼ NW ¼ 32.5 acres

Total 130.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 John Markus, HC 78 Box 33, Crookston NE 69212 the holder and owner of Water Right No. 2434-2 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second (750 gallons per minute) from ground water (one well – Ogallala Formation) with a priority date of December 10, 1999 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2434-2 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 2434-2 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 16 2007

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 30, 2009

John L Markus
HC 61 Box 10
Merriman NE 69218-9600

RE: Water Right/Permit Nos. 1315-2, 1548-2, 1949-2, 2434-2, 2471-2 and 2559-2

Dear Mr. Marcus:

Enclosed is a "Notice" dated October 16, 2009 concerning your 2009 irrigation questionnaires.

The notice was originally mailed to HC 78 Box 33, Crookston NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

2434-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: XJXINK**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2434-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

John L Markus
29861 SD Hwy 73
Merriman NE 69218-6526

RE: Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2

Dear Mr. Markus:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

2434-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: SSNZSH**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2434-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 7, 2022

John L Markus
29861 SD Hwy 73
Merriman NE 69218 6526

RE: Irrigation Questionnaires for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2

Dear Mr. Markus:

I am writing to acknowledge receipt of the information for your 2021 irrigation questionnaires. I completed forms for you based on my conversation with Mrs. Markus.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: JOHN L MARKUS, 29861 SD HWY 73, MERRIMAN, NE 69218 6526

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaires

Our records indicate your 2023 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1315-2, 1548-2 & 2471-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1949-2 & 2434-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1949-2 & 2434-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1315-2, 1548-2 & 2471-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EXCABH**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 23, 2024

1315-2, 1548-2, 1949-2,
2434-2 & 2471-2

John L Markus
29861 SD HWY 73
Merriman NE 69218

Dear Mr. Markus:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1315-2, 1548-2, 1949-2, 2434-2 & 2471-2. The information was received prior to the March 6, 2024, Water Management Board meeting and these permit number have been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

Cc: Julie Battershaw-Fernau, Western Oil Inc & Western Oil Trans Inc.